



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 4

Applicant: Stephen C. Lakes
Application No.: 08/896,060
Filed: July 17, 1997
For: Biodegradable Two-Cycle Engine
Oil Compositions and Ester Base
Stocks
Accorded Benefit of: 08/442,611,
filed 5/17/95, which is a
continuation of 08/119,318, filed
09/09/93 (abandoned); which is a
continuation of 07/937,625, filed
08/28/92 (abandoned)

This case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interference with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR § 1.601 et seq., effective February 11, 1985 (49 Fed. Reg. 48,416 (1984); 1050 Off. Gaz. Pat. & Trademark Office 385 (Jan. 29, 1985)), and amendments effective April 21, 1995. See Notice of Final Rule, 60 Fed. Reg. 14,488 (1995), reprinted in 1173 Off. Gaz. Pat. & Trademark Office 36 (Apr. 11, 1995). A clean copy of the interference rules, as amended, appears at 1173 Off. Gaz. Pat. & Trademark Office 384 (Apr. 18, 1995). The interference is designated as No. 104,179.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

INTERFERENCE DIGEST

Interference No. 104,179 Paper No. 5
Name, Stephen C. Lakes
Serial No. 08/896,060 Patent No. _____
Title, Biodegradable Two-Cycle Engine Oil Compositions and Ester Base Stocks
Filed, July 17, 1997
Interference with David S. Morrison

DECISION ON MOTIONS

Examiner-in-Chief, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Favorable Dated, 3/26/02

Court, _____ Dated, _____

REMARKS

COUNT 1

A biodegradable oil composition comprising:

(a) 20 to 85 wt.% of a heavy ester oil or mixture of heavy ester oils, wherein said heavy ester oil is characterized by a kinematic viscosity of at least about 7.0cSt at 100°C., and

(b) 10 to 85 wt% of a light ester oil or mixture of light ester oils, wherein said light ester oil is characterized by a kinematic viscosity of less than about 6.0 cSt at 100°C.,

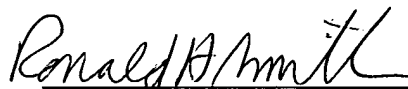
wherein said composition has a biodegradability of at least about 66% as measured by the CEC L-33-T-82 method.

The claims of the parties which correspond to the count are:

Morrison: Claims 1-17.

Lakes et al.: Claims 5, 6 and 44.

Lakes: Claims 1-4, and 13-16.



RONALD H. SMITH
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Serial No. 08/896,060

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RHS/cam

The parties involved in this interference are:

JUNIOR PARTY

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Application No.: 08/082,696, filed June 28, 1993, now Patent No.
5,378,249, issued January 3, 1995.

For: Biodegradable Lubricant

Assignee: Pennzoil Products Company, Houston, TX

Attorney(s): Allan M. Lowe, Robert L. Price, Robert E. LeBlanc,
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Demers, Edward J. Wise, Christopher W. Brody, Demetra J. Mills,
Daniel Y.J. Kim, Alexander Yampolsky, Sharon E. Finkel, and
Robert P. Bell

Accorded benefit: None

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Serial No. 08/896,060

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Application No.: 08/442,611 filed May 17, 1995

For: Biodegradable Two-Cycle Engine Oil Compositions and
Ester Base Stocks

Assignee: None

Attorney(s): Ernest G. Szoke, Wayne C. Jaeschke, Real J.
Grandmaison, Norvell E. Wisdom, Jr. and John E. Drach

Accorded benefit: U.S. 08/119,318, filed September 9, 1993
(abandoned); which is a continuation of 07/937,625, filed
August 28, 1992 (abandoned)

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Application No.: 08/896,060, filed July 17, 1997

For: Biodegradable Two-Cycle Engine Oil Compositions And
Ester Base Stocks

Assignee: None

Attorney(s): Ernest G. Szoke, Wayne C. Jaeschke, Real J.
Grandmaison, Norvell E., Wisdom, Jr., and John E. Drach

Accorded benefit: U.S. Application 08/442,611, filed May 17,
1995, which is a continuation of Application 08/119,318, filed
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